United Nations S/AC.43/2004/20

Security Council

Distr.: General
10 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 9 June 2004 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the latter's note verbale dated 5 May 2004, has the honour to transmit herewith the report called for in paragraph 9 of resolution 1533 (2004) (see annex).

04-38553 (E) 150604

Annex to the note verbale dated 9 June 2004 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

JAPAN

Report to the Security Council Committee established pursuant to Council resolution 1533 (2004) concerning the Democratic Republic of Congo.

Japan's export control legislation and measures are in accordance with paragraph 20 of resolution 1493.

The Government of Japan has been dealing carefully with "arms" exports in accordance with the policy guideline titled "Three Principles on Arms Exports" (hereinafter referred to as "the Three Principles") in order to avoid any possible aggravation of international conflicts. The three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967. "Arms" as referred to in the Three Principles are defined as goods which are used by military forces and which are directly employed in combat, specifically, 16 goods listed under Item 1 of the Annexed List 1 of the Export Trade Control Order. (ANNEX)

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

(1) Communist bloc countries,
(2) countries subject to "arms" exports embargo under United Nations Security Council resolutions, and
(3) countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session that "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1948) (hereinafter referred to as "the Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No. 414 of 1949) (for goods) and the Foreign Exchange Order (Executive

Order No. 260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises vigilant control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the foreign Exchange Law, the government of Japan controls exports of goods and technologies which appear as the 15 items described as "subject to control" in the Export Trade Control Order Attachment List 1 and the Foreign Exchange Order Attachment List, respectively. Goods and technologies described on these Lists correspond to the goods and technologies controlled by the four international export control regimes, namely the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Supplies Group and the Australia Group.

(ANNEX)

Arms and Arms Production-related Equipment listed as Item 1 of the Annexed list 1 of the Export Trade Control Order

(1) Firearms and cartridges to be used therefor (including those to be used for emitting light or smoke), and accessories thereof, as well as parts thereof.

(2) Ammunition (excluding cartridges), and equipment for its dropping or launching, and accessories thereof, as well as parts thereof.

(3) Explosives (excluding ammunition) and military fuel.

(4) Explosive stabilizers.

(5) Directed energy weapons and parts thereof.

(6) Kinetic energy weapons (excluding firearms) and equipment for their launching, as well as parts thereof..

(7) Military vehicles, and accessories and bridges specially designed for military use thereof, as well as parts thereof.

(8) Military vessels, and hulls and accessories thereof, as well as parts thereof.

(9) Military aircraft and accessories thereof, as well as parts thereof.

(10) Anti-submarine nets and anti-torpedo nets as well as buoyant electric cable for sweeping magnetic mines.

(11) Armor plates and military helmets, as well as bullet-proof jackets and parts thereof.

(12) Military searchlights and control equipment thereof.

(13) Bacterial, chemical, and radioactive agents for military use, as well as equipment and parts thereof for dissemination, protection, detection, or identification thereof.

(13-2) Chemical mixtures specially formulated for the decontamination of objects contaminated with biological agents and radioactive materials adapted for use in war and chemical warfare agents.

(14) Biopolymers for detection and identification of chemical agents for military use and cultures of cells for production thereof, as well as biocatalysts for decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for production thereof.

(15) Equipment and parts thereof for the production or testing of military explosives.

(16) Equipment for the production or testing of arms, as well as parts and accessories thereof.